

AMENDED IN SENATE MARCH 31, 2011

SENATE BILL

No. 339

Introduced by Senator Wolk
(Coauthor: Senator Evans)
(Coauthor: Assembly Member Chesbro)

February 15, 2011

An act to ~~add Section 23038.3 to~~ *amend Section 23396 of, and to add Section 23038.3 to*, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 339, as amended, Wolk. Alcoholic beverage: on-sale beer and wine licenses: bona fide public eating place.

The Alcoholic Beverage Control Act authorizes the issuance of an on-sale beer and wine eating place license, which authorizes the sale of beer and wine for consumption on or off the licensed premises, provided the licensee maintains the licensed premises as a bona fide public eating place, as defined, *and meets other specified requirements*.

This bill would expand the definition of bona fide public eating place, for purposes of the on-sale beer and wine eating place license, to include a cooking school that provides courses and instructions in the preparation of food and maintains suitable kitchen facilities, as provided. *The bill would make other related changes to a provision containing compliance requirements imposed upon bona fide eating places for which an on-sale license has been issued.*

The Alcoholic Beverage Control Act provides that a violation of specified provisions of the act is punishable as a misdemeanor. This bill would expand an existing crime by imposing requirements on

additional licensees under the act; thus, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23038.3 is added to the Business and
2 Professions Code, to read:

3 23038.3. Notwithstanding Section 23038, for purposes of
4 issuing an on-sale beer and wine license only, “bona fide public
5 eating place” also means a cooking school that regularly and in a
6 bona fide manner provides courses of instruction in the preparation
7 of food, and that maintains suitable kitchen facilities for the
8 preparation of food that is offered to persons attending the courses
9 of instruction.

10 SEC. 2. Section 23396 of the Business and Professions Code
11 is amended to read:

12 23396. Any on-sale license authorizes the sale of the alcoholic
13 beverage specified in the license for consumption on the premises
14 where sold. No alcoholic beverages, other than beers, may be sold
15 or served in any bona fide public eating place for which an on-sale
16 license has been issued unless the premises comply with the
17 requirements prescribed in Section 23038, 23038.1, ~~or 24045.1~~
18 23038.2, or 23038.3.

19 ~~SEC. 2.~~

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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